

FILED BY *eg* D.C.
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF MEMPHIS

ROBERT JERMAL ROBINSON, X

Petitioner, X

vs. X

BRUCE PEARSON, X

Respondent. X

No. 05-2734-B/P

ORDER CORRECTING THE DOCKET
AND
ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT
OR PAY THE HABEAS FILING FEE

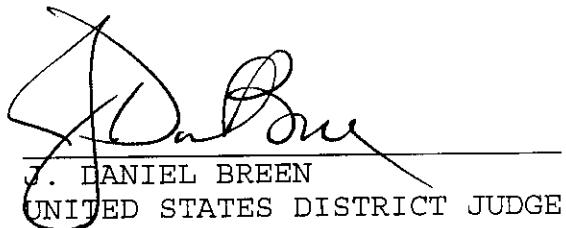
Petitioner Robert Jermal Robinson, Bureau of Prisons ("BOP") inmate registration number 14874-074, an inmate at the Federal Correctional Institution in Memphis ("FCI-Memphis"), filed a pro se petition pursuant to 28 U.S.C. § 2241 on September 27, 2005. The Clerk shall record the respondent as FCI-Memphis warden Bruce Pearson.¹

A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). Robinson's petition is not accompanied by either the filing fee or a motion to proceed in

¹ Although the petition lists the BOP as an additional respondent, the proper respondent to a habeas petition is the warden of the facility in which the petitioner is incarcerated. Rumsfeld v. Padilla, 124 S. Ct. 2711, 2718 (2004). The Clerk is ORDERED to remove the BOP as a party to this action.

forma pauperis. Accordingly, Robinson is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the filing fee within thirty (30) days of the entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to petitioner along with this order.² Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 24th day of October, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

² In the interest of expediting this matter, petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02734 was distributed by fax, mail, or direct printing on October 25, 2005 to the parties listed.

Robert Jermel Robinson
FCI-MEMPHIS
14874-074
P.O. Box 34550
Memphis, TN 38184

Honorable J. Breen
US DISTRICT COURT